

CIVIL NO. 3:04-CV-130-W

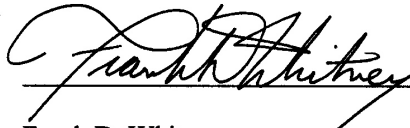
ORDER

For the reasons stated on the record in open court, plaintiff's motion for summary judgment (Doc. No. 26) is GRANTED, defense counsel's motion to withdraw (Doc. No. 40) is ALLOWED, and all other pending motions are DENIED AS MOOT.

The Clerk is now DIRECTED to enter judgment in favor of plaintiff and against the defendants, jointly and severally, in the principal amount of Five Hundred Seventeen Thousand Five Hundred Ninety-Six Dollars and Sixty Cents (\$517,596.60); plus pre-judgment interest at the legal rate of eight percent (8%) per annum pursuant to N.C. Gen. Stat. §§ 24-1 and 24-5, accruing from the date of breach, February 27, 2004, until the date of judgment; post-judgment interest at the statutory rate accruing from the date of judgment until the judgment is satisfied; and reasonable attorney's fees and expenses in the amount of Twenty-One Thousand Six Hundred Eighty-One Dollars and Eighty-One Cents (\$21,681.81).

IT IS SO ORDERED.

Signed: September 26, 2006


Frank D. Whitney
United States District Judge

